

**[ORAL ARGUMENT NOT SCHEDULED]****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL TREASURY EMPLOYEES  
UNION,

Plaintiff-Appellee,

v.

DONALD J. TRUMP, et al.,

Defendants-Appellants.

No. 25-5157

**STATEMENT OF ISSUE TO BE RAISED**

The Federal Service Labor-Management Relations Statute (FSLMRS), 5 U.S.C. §§ 7101-7135, governs labor relations between the Executive Branch and its employees. The statute provides:

The President may issue an order excluding any agency or subdivision thereof from coverage under [the FSLMRS] if the President determines that—(A) the agency or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and (B) the provisions of this chapter cannot be applied to that agency or subdivision in a manner consistent with national security requirements and considerations.

5 U.S.C. § 7103(b)(1).

In March 2025, President Trump issued Executive Order No. 14,251, which makes the determination authorized under 5 U.S.C. § 7103(b)(1) and excludes certain agencies from coverage under the FSLMRS. The issue presented in this appeal is whether the district court erred in granting a preliminary injunction that enjoins implementation of that executive order.

Respectfully submitted,

JOSHUA M. SALZMAN

*s/ Joshua M. Koppel*

---

JOSHUA M. KOPPEL

(202) 514-4820

Attorneys

Civil Division, Appellate Staff

U.S. Department of Justice

950 Pennsylvania Ave., N.W., Rm. 7212

Washington, D.C. 20530

May 2025